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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,798	04/03/2002	Bernd Walther	VWP-514-A	1054

7590

02/24/2005

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EXAMINER
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JOYCE, WILLIAM C

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/089,798

Applicant(s)

WALTHER, BERND

Examiner

William C. Joyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 7-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-14 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This Office Action is in response to the amendment filed November 15, 2004 for the above identified patent application.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 8-12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakata et al. (US Patent 4,979,404) in view of Mansel (US Patent 4,118,134).

Nakata et al. illustrates (Fig. 8) a wiping device comprising a wiper motor, a gear mechanism, a gear housing 5, a gear housing cover 22, and an output shaft 4, wherein the gear housing cover has an access opening for supporting a thrust member 19.

Nakata et al. does not specifically disclose said output shaft having a crank press-fitted at an end thereof, however Mansel teaches (Figures 1 and 6 and in lines 46-59 of column 1) a crank of a wiping mechanism press-fitted on an output shaft and including a staked connection (see specifically Figure 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Nakata et al. in view of the teachings of Mansel that it is old and well

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known to provide a simple connection by press-fitting the crank on the output shaft of a wiper gear mechanism.

With respect to the limitation defining the access opening for support the output shaft during press-fitting of the crank on said output shaft, it is understood that the thrust member would inherently support an end of the shaft during a pressing operation.

Alternatively, it is understood that the thrust member can be removed from the access opening such the output shaft can be supported as claimed.

3. Claims 1-5, 8-13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchanan, Jr. et al. (US Patent 4,979,404) in view of Mansel (US Patent 4,118,134).

Buchanan, Jr. et al. illustrates (Fig. 3) a wiping device comprising a wiper motor 38, a gear mechanism, a gear housing 62, a gear housing cover 58, the gear housing enclosing the gear mechanism when it is attached to the cover, and an output shaft 72, wherein the gear housing cover has an access opening such that the output shaft extends beyond the cover (in the downward direction of Fig. 3).

Buchanan, Jr. et al. does not specifically disclose the output shaft having a crank press-fitted at an end thereof, however Mansel teaches (Figures 1 and 6 and in lines 46-59 of column 1) a crank of a wiping mechanism press-fitted on an output shaft and including a staked connection (see specifically Figure 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Buchanan, Jr. et al. in view of the teachings of Mansel that it is old and

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well known to provide a simple connection by press-fitting the crank on the output shaft of a wiper gear mechanism.

With respect to the limitation defining the access opening for support the output shaft during press-fitting of the crank on said output shaft, it is understood that the portion of the output shaft that extends beyond the access opening can be supported as claimed.

#### ***Allowable Subject Matter***

4. Claim 7 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Joyce whose telephone number is (703) 305-5114. The examiner can normally be reached on Monday - Thursday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 2/21/05  
William C. Joyce